

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PENN-STAR INSURANCE COMPANY,
a Pennsylvania corporation,

Plaintiff,

v.

THE TRINITY LOGISTICS GROUP,
INC.; EFREN SANTOS, an individual; et
al.,

Defendants;

EFREN SANTOS, assignee of Trinity
Logistics Group, Inc.,

Cross-Claimant,

v.

PENN-STAR INSURANCE COMPANY,
a Pennsylvania corporation; REBECCA
DESAUTELS, an individual; and HUB
INTERNATIONAL LIMITED
COMPANY, a Delaware corporation,

Cross-Defendants;

No. 1:15-cv-00931-DAD-EPG

ORDER MODIFYING PRE-TRIAL
SCHEDULING ORDER

(Doc. Nos. 30, 33)

1 On January 28, 2016, the District Judge previously assigned to this action issued a
2 scheduling ordering. (Doc. No. 27.) That scheduling order provided that “[a]ll named
3 Defendants have been served and no further of service is permitted without leave of court, good
4 cause having been shown.” (Id.) On the same day the scheduling order entered, defendant Santos
5 filed a cross-claim for damages against Penn-Star Insurance Company, Rebecca Desautels, who is
6 allegedly the individual agent that procured an at issue insurance contract, and HUB International
7 Limited Company, which is alleged to be the brokerage house that procured this insurance
8 contract. (Doc. No. 28.) A joint status report, filed by the parties on October 30, 2015, had noted
9 that “Santos Defendants will be filing a cross complaint against Penn Star and the broker who
10 procured the insurance.” (Doc. No. 26, 3:17-18.) On January 29, 2016, the day after the
11 scheduling order issued, the Clerk of the Court issued a summons on the cross-defendants
12 Rebecca Desautels and Hub International Limited Company. (Doc. No. 29.)

13 On February 10, 2016, defendant and cross-claimant Efren Santos submitted a request
14 seeking to modify the scheduling order to accommodate service on cross-defendants, Rebecca
15 Desautels and Hub International Limited. (Doc. No. 30.) On February 19, 2016, a proposed
16 order modifying the scheduling order was submitted as well. (Doc. No. 33.) On February 29,
17 2016, the action was reassigned to U.S. District Judge Dale A. Drozd for all further proceedings.
18 (Doc. No. 37.) Federal Rule of Civil Procedure 16(b)(4) provides that a “scheduling [order] may
19 be modified only for good cause and with the judge’s consent.” Here, the court finds that good
20 cause exists because the current scheduling order does not provide for service on cross-defendants
21 that were named the same day the court entered its original scheduling order, that had been
22 referenced in a previously filed joint status report, and that summons issued on the day after the
23 scheduling order was entered.

24 ////

25 ////

26 ////

27 ////

28 ////

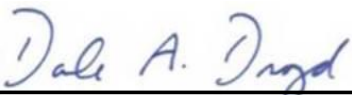
1 For the reasons set forth above, Cross-Claimant's request to modify the scheduling order
2 (Doc. No. 30) is granted and the scheduling order dated January 28, 2016 is hereby modified as
3 follows:

4 1. Section I of the scheduling order, entitled "Service of Process," is modified to permit
5 cross-claimant to serve cross-defendants Hub International Limited, any related entity
6 with respect to the cross-complaint, and Rebecca Desautels; and

7 2. Section II of the scheduling order, entitled "Additional Parties/Amendments
8 /Pleadings," is modified to permit the amendment of cross-claimant's cross-complaint to
9 name any related entity.

10 IT IS SO ORDERED.

11 Dated: March 14, 2016

12 
13 _____
14 UNITED STATES DISTRICT JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28